

REMARKS

Claims 1-34 constitute the pending claims in the present application. Claims 1-2, 25-27, and 35-38 are currently under consideration. Applicants cancel, without prejudice, claims 3-24 and 28-34 which were previously withdrawn from consideration as directed to a non-elected invention. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Claims 1-2, 25-27, and 35-38 are rejected under 35 U.S.C. 102(e) as allegedly anticipated by Porter et al. Applicants traverse this rejection.

Applicants maintain the arguments of record, and contend that the teachings of Porter et al. fail to satisfy the criteria necessary to anticipate the claimed invention. Additionally, however, Applicants provide the declaration of Leona Ling under 37 CFR 1.131 to “establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application.” (37 CFR 1.131(b)). Applicants contend that the declaration establishes that Applicants conceived and reduced to practice the claimed subject matter prior to the effective filing date of Porter et al.

Applicants’ declaration antedates the effective filing date of Porter et al. and removes Porter et al. from consideration as prior art. Accordingly, Applicants’ declaration under 37 CFR 1.131 obviates the rejection under 35 U.S.C. 102(e). Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945 under Order No. CIBT-P01-119.**

Date: March 21, 2005

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



Melissa S. Rones
Reg. No. 54,408